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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,183	02/27/2004	Kenji Sakaue	249418US2S	4589

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EXAMINER	
GUYTON, PHILIP A	
ART UNIT	**PAPER NUMBER**
2113	

DATE MAILED: 12/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/787,183	SAKAUE ET AL.	
	Examiner	Art Unit	
	Philip Guyton	2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 February 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10,12,13,16,18 and 19* is/are rejected.

7)☒ Claim(s) *11,14,15 and 17* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 February 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 26 March 2004 has been considered by the examiner, however, it appears that the references were submitted for the incorrect application. The application serial number listed on the IDS (10/787,183) is correct, but the inventor and title of the invention do not match. Additionally, it seems that the references do not share common subject matter with the instant application.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claim 16 recites the limitation "the write-enable signal input from the host." There is insufficient antecedent basis for this limitation in the claim.

7. Claim 18 recites the limitation "a third latch circuit," however, there is no first or second latch circuit recited in parents claims 1-4. Thus, there is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-5, 7-10, 13, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,096,406 to Kanazawa et al. (hereinafter Kanazawa).

With respect to claim 1, Kanazawa discloses an ECC (Error check and Correct) control apparatus (figure 1, item 4) to be connected between a host (figure 1, item 1) and a memory (figure 1, item 3), comprising:

a first input/output circuit (figure 1, items 5, 7) which inputs and outputs data to and from the host (column 5, lines 58-64);

a detecting circuit which detects a protected-data region and a redundant region of write data input to the first input/output circuit and having a predetermined data length (column 5, lines 48-53 and column 10, lines 44-64);

a code-generating circuit which generates an error-correction code for correcting errors in data of the protected-data region (figure 18, item 20A and column 14, lines 43-51);

a code-inserting circuit which inserts the error-correction code in the redundant region (figure 18, item 30 and column 14, line 61-column 15, line 13 and column 5, lines 51-53); and

a second input/output circuit which inputs and outputs data to and from the memory (figure 1, item 6 and column 10, lines 36-43).

With respect to claim 2, Kanazawa discloses a counter which counts data items of the write data (column 3, lines 34-41), and in which the detecting circuit detects the protected-data region and redundant region of the write data in accordance with a count value obtained by the counter (column 10, line 65-column 11, line 3 and column 12, lines 44-49).

With respect to claim 3, Kanazawa discloses wherein the detecting circuit detects a specified part of the redundant region (figure 4, item 9 and column 8, lines 4-8), the code-generating circuit generates an error-correction code for correcting errors in the data of the protected-data region and the data of those parts of the redundant region

which precede the specified part, and the code-inserting circuit inserts the error-correction code in the specified part of the redundant region (column 8, lines 33-40 and column 12, lines 20-27).

With respect to claim 4, Kanazawa discloses a syndrome circuit which performs an syndrome operation on a read data input to the second input/output circuit and having the predetermined data length, by using the error-correction code contained in the read data, and which generates a syndrome signal, and an error-correcting circuit which corrects errors in accordance with the syndrome signal (column 13, lines 1-50).

With respect to claim 5, Kanazawa discloses wherein the error-correcting circuit comprises an error-presence/absence determining circuit which determines whether the read data contains errors, and an error-information generating circuit which generates correction information for correcting errors, when the error-presence/absence determining circuit determines that the read data contains errors (column 5, line 58-column 6, line 3 and column 8, lines 41-50).

With respect to claim 7, Kanazawa discloses wherein the error-information generating circuit generates normal-end information when the error-presence/absence determining circuit determines that the read data contains no errors (column 13, lines 19-22).

With respect to claim 8, Kanazawa discloses in which the counter counts pulses that constitute a write-enable signal inputting from the host and indicating that data is being written into the memory, and which further comprises a clock-generating circuit which generates a first clock signal from the write-enable signal and which does not

output the write-enable signal to the memory when the number of pulses counted by the counter reaches a predetermined value (column 3, lines 34-41 and column 12, lines 44-49).

With respect to claim 9, Kanazawa discloses in wherein the counter counts pulses that constitute a read-enable signal inputting from the host and indicating that data is being read from the memory, and which further comprises a clock-generating circuit which generates a second clock signal from the read-enable signal and which does not output the read-enable signal to the memory when the number of pulses counted by the counter reaches a predetermined value (column 3, lines 34-41 and column 12, lines 44-49).

With respect to claim 10, Kanazawa discloses wherein the counter starts counting the pulses after the first input/output circuit receives an address signal that represents the address of the data (column 7, lines 8-17).

With respect to claim 13, Kanazawa discloses a region-changing circuit which changes that part of the redundant region which is provided to store the error-correction code, and in which the code-inserting circuit inserts the error-correction code in that part of the redundant region which has been changed by the region-changing circuit (column 12, lines 20-27).

With respect to claim 19, Kanazawa discloses wherein the memory is a NAND flash memory (figure 2 and column 6, lines 4-6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanazawa in view of U.S. Patent No. 6,339,546 to Katayama et al. (hereinafter Katayama).

With respect to claim 6, Kanazawa does not disclose expressly wherein the error-presence/absence determining circuit determines whether the number of erroneous data items has exceeded a predetermined value, when the error-presence/absence determining circuit determines that the read data contains errors, and the error-information generating circuit generates abnormal-end information indicating that it is impossible to correct the read data, when the error-presence/absence determining circuit determines that the number of erroneous data items has exceeded the predetermined value.

Katayama teaches an ECC circuit that determines causes of errors in a flash memory device until a threshold number of errors are detected, whereupon it becomes impossible to continue using that storage element (column 2, lines 22-39).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify Kanazawa by determining whether the number of

erroneous data items has exceeded a predetermined value as taught by Katayama. A person of ordinary skill in the art would have been motivated to do so because Katayama teaches in which flash memory often becomes susceptible to errors based on normal use over a long period of time (column 1, line 27-column 2, line 19). Thus, the technique of Katayama would have been highly desirable to Kanazawa in order to determine damaged memory locations, and thus avoid unnecessary errors.

With respect to claim 12, modified Kanazawa discloses in which the error-information generating circuit generates correction-end information when the error-presence/absence determining circuit determines that the number of erroneous data items has not exceeded the predetermined value (Katayama – column 4, line 62-column 5, line 12), and which further comprises an interruption circuit which generates and supplies an interruption signal to the host to interrupt the host and an information output circuit which outputs the normal-end information or the abnormal-end information to the host when the interruption circuit supplies the interruption signal to the host (column 13, lines 19-45).

Allowable Subject Matter

12. Claims 11, 14, 15, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Claims 16 and 18 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Guyton whose telephone number is (571) 272-3807. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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